

**NOTICE OF NORTH CANTON SPECIAL CITY COUNCIL MEETING
EXECUTIVE SESSION**

Monday, September 12, 2016, 6:00 p.m., prior to the Council Meeting

Mr. Daniel Peters, President, North Canton City Council, has requested a special Council meeting, together with the Director of Law, for Monday, September 12, 2016, at 6:00 p.m., prior to the regularly scheduled 7:00 p.m. Council meeting in Council chambers at North Canton City Hall.

The meeting's purpose, and upon a motion and a favorable roll-call vote, shall be for Council to move into executive session with the Director of Law to discuss the employment of a public employee and to confer with the Director of Law concerning a dispute involving the City that is the subject of imminent court action. The executive session will not be open to the public.

**NOTICE OF NORTH CANTON CITY COUNCIL MEETING
Monday, September 12, 2016, 7:00 p.m., City Hall
Agenda**

1. Call to Order
2. Opening Prayer – Pastor Walter Poe, retired Army
3. Pledge of Allegiance
4. Roll Call
5. Consideration: Council Meeting Minutes, August 22, 2016, Special Committee of the Whole Meeting Minutes, August 22, 2016
6. Recognition of Visitors
7. Old Business
8. **Ordinance No. 47 - 2016 - 3rd Reading - Community and Economic Development Committee**

An ordinance authorizing the vacation of a portion of Orchard Street NE and Witwer Street NE, located within the corporate limits of the City of North Canton.

9. **Ordinance No. 49 - 2016 - 3rd Reading – Ordinance, Rules and Claims Committee**

An ordinance amending CHAPTER 113 – SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT REGULATIONS, of the Codified Ordinances of the City of North Canton, specifically Section 1133.08(c)(3) Additional Regulations for Garages, Parking Areas, Driveways and Vehicles.

10. New Business

11. Ordinance No. 52 - 2016 - 1st Reading - Community and Economic Development Committee

An ordinance repealing ordinances 5-10 and 107-09, reviving ordinances 71-04, 22-99, and 106-00, and implementing sections 3735.65 through 3735.70 of the Revised Code, thereby reducing and dividing the North Canton Community Reinvestment Area ("CRA") into the former and now revived Main Street CRA established under ordinances 22-00 and 06-00 and the former and now revived Valley View CRA under ordinance in 71-04, within the City of North Canton, re-designating a Housing Officer to administer the programs, reestablishing a Community Reinvestment Housing Council and a Tax Incentive Review Council ("TIRC"), repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

12. Ordinance No. 53 - 2016 - 1st Reading – Ordinance, Rules and Claims Committee

An ordinance authorizing all action necessary to support the continuation of a governmental natural gas aggregation program with opt-out provisions pursuant to Ohio Revised Code Section 4929.26, directing the Mayor of the City of North Canton to execute a Consulting Agreement with Independent Energy Consultants, Inc., and authorizing the Mayor to enter into a supply agreement(s) with a certified supplier(s) to continue the City's Natural Gas Aggregation Program beyond November 30, 2016, when the current supply agreement ends, and declaring the same to be an emergency.

13. Ordinance No. 54 - 2016 - 1st Reading - Personnel and Safety Committee

An ordinance amending Section 20 COMPENSATION, of Chapter 155 Personnel Regulations of Part One - Administrative Code of the Codified Ordinances of the City of North Canton, in accordance with North Canton Ordinance No. 37 - 2016, to increase the bi-weekly compensation for the position of Director of Permits and Development, and declaring the same to be an emergency.

14. Ordinance No. 55 - 2016 - 1st Reading - Personnel and Safety Committee

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a successor collective bargaining agreement between the City and the North Canton Service and Clerical Employees ("Service and Clerical Union"), and declaring the same to be an emergency.

15. Ordinance No. 56 - 2016 - 1st Reading - Street and Alley Committee

An ordinance approving, confirming and accepting a perpetual storm sewer and drainage easement known as Parcel No. 5609242, and being part of Open Space "C", by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantee, and The Sanctuary Owners Association, Inc., Grantor, and declaring the same to be an emergency.

16. Ordinance No. 57 - 2016 - 1st Reading - Street and Alley Committee

An ordinance approving, confirming and accepting a perpetual water main easement known as Parcel No. 10006042, and being part of a 9.40 acre tract of land, by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantee, and Villas at Kings Creek Condominium, Grantor, and declaring the same to be an emergency.

17. Ordinance No. 58 - 2016 - 1st Reading - Street and Alley Committee

An ordinance approving, confirming and accepting a perpetual water main easement known as Parcel No. 10006130, and being part of a 4.70 acre tract of land, by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantee, and Kings Creek Associates, L.P., Grantor, and declaring the same to be an emergency.

18. Ordinance No. 59 - 2016 - 1st Reading - Street and Alley Committee

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public Works Commission ("OPWC") for the West Maple Street Widening Project, and authorizing the Mayor, upon Board of Control approval, to enter into an agreement for said grant, and declaring the same to be an emergency.

19. Ordinance No. 60 - 2016 - 1st Reading - Water, Sewer and Rubbish Committee

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, for the City of North Canton Drinking Water Treatment Plant Clarifiers' Motor Replacement Project ("Project"), and authorizing the Mayor, upon Board of Control approval, to enter into a contract for the Project, and declaring the same to be an emergency.

20. Ordinance No. 61 - 2016 - 1st Reading - Finance and Property Committee

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, for the City of North Canton EMS Building Addition Project, and authorizing the Mayor, upon Board of Control approval, to enter into a contract for the EMS Building Addition Project, and declaring the same to be an emergency.

21. Ordinance No. 62 - 2016 - 1st Reading - Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton, pursuant to Ohio Revised Code 9.48, to participate in joint purchasing programs with other political subdivisions for the purchase of machinery, materials and supplies used by various City departments, and specifically, to join the National Joint Purchasers Alliance for said purpose.

22. Resolution No. 4 - 2016 - 1st Reading - Ordinance, Rules and Claims Committee

A resolution to impose a moratorium on granting building permits or certificates of occupancy for any building, structure, use or change of use, which would authorize the cultivation, processing, or retail sale of medical marijuana for an initial period not to exceed six months from the effective date of this resolution, thereby permitting City Council and the Planning Commission to more fully analyze applicable federal law, Ohio statutes, and North Canton's ordinances relative to such use, and declaring the same to be an emergency.

23. Reports - Council

Doug Foltz	Ward 1	Mark Cerreta	At Large
Daniel Peters	Ward 2	Dan Griffith	At Large
Stephanie Werren	Ward 3	Marcia Kiesling	At Large
Dominic Fonte	Ward 4		

**Council Meeting
Agenda**

**September 12, 2016
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24. Reports

Director of Law
Mayor

Director of Finance
City Engineer

Director of Administration
Clerk of Council

25. Final Call for New Business

26. Adjourn

Mary Beth Bailey
Clerk of Council

North Canton City Council
Community and Economic Development Committee

Ordinance No. 52 - 2016

An ordinance repealing ordinances 5-10 and 107-09, reviving ordinances 71-04, 22-99, and 106-00, and implementing sections 3735.65 through 3735.70 of the Revised Code, thereby reducing and dividing the North Canton Community Reinvestment Area ("CRA") into the former and now revived Main Street CRA established under ordinances 22-00 and 06-00 and the former and now revived Valley View CRA under ordinance in 71-04, within the City of North Canton, re-designating a Housing Officer to administer the programs, reestablishing a Community Reinvestment Housing Council and a Tax Incentive Review Council ("TIRC"), repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

WHEREAS, the General Assembly of the State of Ohio, by the enactment of sections 3735.65 through 3735.70 of the Revised Code, has heretofore authorized municipal corporations to designate CRAs to provide incentives for new residential, commercial, or industrial construction or remodeling in such areas by making available real property tax exemptions for such new construction or remodeling; and

WHEREAS, there has been prepared and submitted to this City Council housing surveys, which are on file with the Housing Officer, covering CRAs located in the City, and which surveys show the facts and conditions relating to existing structures and undeveloped areas in the Main Street and Valley View CRAs, including amongst other things, evidence of deterioration and lack of new construction, or the lack of repair or rehabilitation of substantial portions of the areas, and which surveys contain legal descriptions and depictions of the CRAs, which depictions are incorporated by reference as if fully rewritten herein, and illustrated in Exhibit A attached hereto and made a part hereof; and

WHEREAS, Council has received recommendations to designate CRAs described in said housing surveys, and this Council has further been apprised through said surveys of relevant facts and conditions relating to the CRAs has determined new construction and remodeling in such areas would serve to encourage economic stability, maintain real property values, generate new employment opportunities, and would be in the City's best interest;

WHEREAS, the City desires to reduce and divide the North Canton CRA described in ordinances 5-10 and 107-09 into the former and now revived Main Street and Valley View CRAs, described in ordinances 22-00, 106-00, and 71-04, respectively; and

WHEREAS, the construction of new housing and remodeling of existing structures in the Main Street and Valley View CRAs constitute a public purpose for which real property exemptions may be granted.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That based upon the aforesaid recommendations, said housing surveys, and upon this Council's own knowledge of the facts and conditions existing in the Main Street and Valley View CRAs, Council hereby finds and determines that these are areas in which housing facilities are located and new housing construction and repair of existing facilities or structures is discouraged.

- Section 2. That pursuant to section 3735.66 of the Revised Code, the Main Street CRA and Valley View CRA are hereby reestablished and redesignated as community reinvestment areas meeting the requirements of sections 3735.65 through 3735.70 of the Revised Code, the boundaries of which are described in said housing surveys, which descriptions are hereby expressly incorporated by reference as if fully rewritten herein, and are illustrated and depicted in Exhibit A attached hereto.
- Section 3. That within the Main Street and Valley View CRAs, new construction and remodeling of existing residential, commercial and industrial structures are hereby declared to a public purpose and eligible for the exemption of real property taxation. Only residential, commercial, and industrial improvements consistent with the applicable zoning regulations within the Main Street and Valley View CRAs will be eligible for exemptions.
- Section 4. That the percentage of tax exemptions on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the period of those exemptions shall be negotiated on a case-by-case basis in advance of the commencement of construction or remodeling consistent with sections 3735.65 through 3735.70 of the Revised Code. The results of such negotiations as approved by this Council shall be set forth in writing in community reinvestment area agreements as described section 3735.67 of the Revised Code.
- Section 5. That for residential property, a tax exemption is hereby authorized on 100% of the increase in the assessed valuation resulting from improvements as described in 3735.67 of the Revised Code and shall be granted upon proper application by the property owner and certification thereof by the City's designated Housing Officer. Residential applications must be filed with the Housing Officer no later than six months after completion of construction, unless the Housing Officer extends such time in writing. The following periods of real property tax exemption shall apply to all residential property:
- (a) 10 years for the remodeling of dwellings containing not more than 2 units, and upon which the cost of remodeling is at least \$15,000, as described in section 3735.67 of the Revised Code.
 - (b) 12 years for the remodeling of dwellings containing more than 2 units, and upon which the cost of remodeling is at least \$50,000, as described section 3735.67 of the Revised Code.
 - (c) 15 years for construction of dwellings as described in section 3735.67 of the Revised Code.
- Section 6. That all commercial and industrial projects shall be required to comply with the state application fee requirements described in section 3735.67 of the Revised Code. This Council, however, hereby determines the City shall waive collection of the local annual monitoring fees of one percent of the amount of taxes exempted in connection with the Main Street and Valley View CRAs.

- Section 7. That to administer and implement the provisions of the Main Street and Valley View CRAs in accordance with sections 3735.65 through 3735.70 of the Revised Code, the City's Director of Economic Development is hereby re-designated as the Housing Officer. The Housing Officer is authorized and directed to receive applications and grant real property tax exemptions for new structures or remodeling completed after the Ohio Department of Development's certification of the CRAs, and is further authorized and directed to make annual inspections of properties within the CRAs for which exemptions have been granted, and to keep the Housing Council and TIRC apprised of any revocations of CRA tax exemptions for lack of adequate property maintenance or compliance with a CRA agreement in accordance with section 3735.68 of the Revised Code.
- Section 8. That the North Canton Community Reinvestment Area Housing Council (the "Housing Council") has been established under prior CRAs and shall continue to consist of two members appointed by the Mayor, two members appointed by Council, one member appointed by the Planning Commission, and two City residents appointed by a majority of the first five members, which appointments are hereby authorized to be made. The members' terms of service shall be for three years. An unexpired term resulting from a vacancy in shall be filled in the same manner in which the initial appointment was made. The Mayor, City Council, and Planning Commission are hereby authorized and directed to make their respective appointments to the Housing Council when necessary and those five appointed members are authorized to appoint the final two members. The Housing Council shall continue to make annual inspections of the properties within the Main Street and Valley CRAs for which an exemption has been granted, and shall hear appeals as described in section 3735.70 of the Revised Code.
- Section 9. That the TIRC, having been established pursuant to section 5709.85 of the Revised Code, shall consist of three representatives appointed by the Board of County Commissioners, two representatives appointed by the Mayor with concurrence of City Council, the County Auditor (or designee), and a representative of each affected board of education located in the Main Street and Valley View CRAs. At least two TIRC members shall be City residents. The TIRC shall review annually compliance with all agreements involving the grant of exemptions for commercial or industrial real property remodeling or construction described in section 3735.67 of the Revised Code and shall make written recommendations to Council as to the continuation, modification, or termination of said agreements based upon the performance of those agreements.
- Section 10. That City Council reserves the right to re-evaluate the designation of the Main Street and Valley View CRAs on a biennial basis hereafter, at which time it may direct the Housing Officer to reject any new applications for exemptions as described in sections 3735.65 through 3735.70 of the Revised Code.
- Section 11. That the Mayor is hereby authorized and directed to confirm Department of Development certifications relevant to this ordinance.

- Section 12. That a copy of this ordinance shall be forwarded to the Stark County Auditor, and a copy shall also be published in the a newspaper of general circulation in the City once a week for two consecutive weeks immediately following its passage.
- Section 13. That any and all legislation inconsistent herewith, be, and the same is hereby repealed.
- Section 14. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely resizing of the City's Community Reinvestment Areas, to repeal ordinances 5-10 and 107-09, to revive ordinances 71-04, 22-99 and 105-00, and to encourage economic stability, maintain real property values, and generate new employment opportunities; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed by Council this _____ day of _____ 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Ordinance, Rules and Claims Committee

Ordinance No. 53 - 2016

An ordinance authorizing all action necessary to support the continuation of a governmental natural gas aggregation program with opt-out provisions pursuant to Ohio Revised Code Section 4929.26, directing the Mayor of the City of North Canton to execute a Consulting Agreement with Independent Energy Consultants, Inc., and authorizing the Mayor to enter into a supply agreement(s) with a certified supplier(s) to continue the City's Natural Gas Aggregation Program beyond November 30, 2016, when the current supply agreement ends, and declaring the same to be an emergency.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation, "H.B. No. 9," which authorizes legislative authorities of municipalities to aggregate the retail natural gas loads located in the respective jurisdictions and to enter into service agreements to facilitate the purchase and sale of natural gas; and

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers, collectively, to obtain in the potential benefits of natural gas deregulation through lower natural gas rates, which they would not otherwise be able to have done individually; and

WHEREAS, this Council finds and determines that it is in the best interest of the City, its residents, businesses and other natural gas consumers located within the corporate limits of the City to continue its Natural Gas Opt-Out Aggregation Program subject to the conditions of a Natural Gas Supply Agreement that will take effect on or about November 30, 2016; and

WHEREAS, Independent Energy Consultants, Inc., is an energy consulting firm certified by the Public Utilities Commission of Ohio as a broker and aggregator of natural gas and has experience in the purchase of natural gas, and the construction and administration of government aggregation programs;

NOW, THEREFORE, BE IT ORDINANCE BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That the Mayor of the City of North Canton, be, and is hereby directed to enter into an agreement with Independent Energy Consultants, Inc., for consulting services and any other required services related to the opt-out Natural Gas Aggregation Program for the City of North Canton.
- Section 2. That the Mayor, be, and is hereby authorized to enter into service agreement(s) to facilitate the sale and purchase of natural gas to consumers in the City's opt-out program. The natural gas supply service agreement shall only be with a natural gas supplier(s) certified

by the Public Utilities Commission of Ohio and shall not exceed three years in duration.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary to secure the most advantageous market rate for pricing and purchasing for the City residents and business entities; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Personnel and Safety Committee

Ordinance No. 54 - 2016

An ordinance amending Section 20 COMPENSATION, of Chapter 155 Personnel Regulations of Part One - Administrative Code of the Codified Ordinances of the City of North Canton, in accordance with North Canton Ordinance No. 37 – 2016, to increase the bi-weekly compensation for the position of Director of Permits and Development, and declaring the same to be an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That Chapter 155 Personnel Regulations of Part One, Administrative Code, specifically, Section 1. GENERAL PERSONNEL REGULATIONS of the Codified Ordinances of the City of North Canton, be, and the same is hereby amended to read as follows:

Section 2. **COMPENSATION**

Full-Time Schedule of Compensation: Full-time employees shall be paid an amount equal to or less than the amount set forth in the following schedule:

Position	Bi-Weekly Compensation
Director of Administration	\$4,423.08
Director of Law	\$4,423.08
Director of Finance	\$4,423.08
City Engineer	\$4,423.08
Chief of Police	\$3,269.23
Chief of Fire & EMS	\$3,269.23
Supt., Permits & Inspection	\$3,269.23
Director of Permits & Development	\$3,269.23
Supt., Utilities & Services	\$2,884.62
Supt., Streets & Parks	\$2,884.62
Superintendent – Drinking Water Plant	\$2,884.62
Supt., Recreation, Buildings & Grounds	\$2,884.62
Operations Managers:	
Recreation, Buildings & Grounds	
Streets & Parks	
Water & Sanitary Sewer	
Drinking Water Plant	\$2,884.62
Chief Building Officer	\$2,884.62

Clerk of Council/Law Dept.	\$2,468.82
Deputy Director of Finance	\$2,146.82
Administrative Assistant/Payroll Clerk	\$1,730.00
Administrative Assistant	\$1,730.00

At all times the position of Director of Permits & Development is filled, the person serving in the capacity shall also hold the title of Superintendent, Permits & Inspection at no additional compensation.

Public Safety – FIRE / EMS

Assistant Fire Chief	\$ 14.96
Fire Captain	\$ 14.60
Fire Captain / EMT – Paramedic	\$ 14.60
Fire Captain / EMT – Basic	\$ 14.60
<u>Public Safety – FIRE / EMS (Cont.)</u>	

EMT – Paramedic	\$ 14.60
Firefighter / EMT – Paramedic	\$ 14.60
Firefighter / EMT – Basic	\$ 14.13
Firefighter	\$ 14.13
EMT – Basic	\$ 14.13
EMT Personnel on Standby	\$ 2.21
Manned at Station: PPT or SDP	
Fire/Medic	\$ 13.30
Paramedic	\$ 13.30
Firefighter	\$ 12.30
Basic	\$ 12.30

Part-time employees staffed at station will not receive standby wages and will work a minimum of four hours.

Public Safety – Police

Dispatcher C	\$ 12.21
School Crossing Guard	\$ 11.77
Auxiliary Police	\$ 11.04
Special Patrolman	\$ 14.96

Financial & Clerical

Fiscal/Clerical Specialist	\$ 11.88
Payroll Manager/Admin. Assist.	\$ 19.47

Department of Engineering

Engineering Clerk	\$ 11.88
Special Project Inspector	\$ 16.82

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton, and further necessary to update the compensation level for the position of Director of Permits and Development and thereby permit the City to promptly recruit and attract a highly trained and experienced individual to fill said position due to the recent retirement of said employee; wherefore

provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in force immediately upon its adoption by Council and approval of the Mayor. Otherwise, it shall take effect and be force from and after the earliest period allowed by law.

Passed by Council this _____ day of _____, 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Personnel and Safety Committee

Ordinance No. 55 - 2016

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a successor collective bargaining agreement between the City and the North Canton Service and Clerical Employees ("Service and Clerical Union"), and declaring the same to be an emergency.

WHEREAS, the Mayor of the City of North Canton and the exclusive representatives for the Service and Clerical Union entered into a tentative collective bargaining agreement, which is effective June 1, 2016 through May 31, 2019, State Ohio Employment Relations Board case number 2014-MED-05-0751; and

WHEREAS, this tentative agreement has been reduced to writing, has been submitted to North Canton's City Council, and is on file in the office of Council's clerk.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That the Mayor of the City of North Canton, be, and is hereby authorized to enter into a successor collective bargaining agreement between the City of North Canton and the Service and Clerical Union, effective June 1, 2016 through May 31, 2019, State Ohio Employment Relations Board case number 2014-MED-05-0751, which shall supersede all previously adopted legislation in direct conflict herewith.
- Section 2. That the Director of Finance is hereby authorized to expend the necessary funds therefore, which funds are hereby appropriated.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary and further necessary for the timely effectiveness of the collective bargaining agreement for the City's Service and Clerical Union; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Street and Alley Committee

Ordinance No. 56 - 2016

An ordinance approving, confirming and accepting a perpetual storm sewer and drainage easement known as Parcel No. 5609242, and being part of Open Space "C", by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantee, and The Sanctuary Owners Association, Inc., Grantor, and declaring the same to be an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That a perpetual storm sewer and drainage easement known as Parcel No. 5609242, by and between the City, and The Sanctuary Owners Association, Inc., be, and the same is hereby approved, confirmed and accepted.
- Section 2. That attachments regarding this easement more fully describing the parcel and easement are attached hereto and incorporated herein as if fully rewritten herein.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the City to have prompt access to the utility as well as sanitary sewer pipes and lines; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

Passed in Council this _____ day of _____ 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

ALAN HAROLD
Stark County Auditor:
FEE

JUL 01 2016

TRANSFERRED
TRANSFER NOT NECESSARY
DEPUTY *[Signature]*
IN COMPLIANCE WITH ORC 319.202

Instr: 201607010025476
P: 1 of 4 F: \$44.00 7/1/2016
Rick Campbell 12:18 PM EASE
Stark County Recorder T20160024543

PERPETUAL STORM SEWER & DRAINAGE EASEMENT
Parcel No.: 5609242

For and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the sufficiency of which is hereby acknowledged, **The Sanctuary Owners Association, Inc.**, an Ohio not-for-profit corporation, GRANTOR, do hereby give and grant unto **THE CITY OF NORTH CANTON**, an Ohio municipal corporation, GRANTEE, a perpetual easement to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace, and renew at will a storm sewer conduit (the "Utility") and to perform any other tasks GRANTEE deems necessary or advisable in order to operate or maintain the "Utility" and appurtenances in accordance with the ordinances, rules, and regulates of Grantee, which are now in effect or may be adopted hereafter, including the right of ingress and egress at any time to and from the "Utility" and all appurtenances thereto on, under and through the following property, a/k/a the "Easement Area":

SEE ATTACHED EXHIBIT "A"

It is agreed by and between Grantors and Grantee as follows:

1. That the Grantee shall have the right to remove fences, shrubbery, plants, trees, landscaping, lawns, driveways, walkways, and paving within the Easement Area during initial construction or future maintenance of the "Utility" and all appurtenances thereto. The Grantee shall be responsible to restore the surface area of the easement, disturbed by Grantee, to as closely as possible to its condition at the time of construction or maintenance. The Grantee will pay reasonable damages for items which cannot be restored or repaired. If the amount of said damages cannot be mutually agreed upon, the same shall be ascertained and determined by three disinterested persons; one appointed by the Grantors, one by the Grantee, and the third by the two so appointed. The award of such three persons shall be final and conclusive.
2. That no building or structure of any kind shall or will be erected within the easement area by Grantors, nor shall anything be placed in the vicinity of the easement which might be injurious to the utility. However, nothing herein shall interfere with the right of Grantors to place driveways, parking areas, or walkways in said easement. Grantors shall not change the ground elevation, within the easement area, without approval of Grantee.
3. That the Grantors may extend across, or grant easements to others to extend across said easement area to minimum acceptable clearances as determined by the Grantee.
4. That Grantors shall indemnify, defend and hold harmless Grantee from any and all claims, liabilities, damages, actions, costs and expenses or complaints, including reasonable attorney fees, arising out of Grantor's use of the Easement Area.
5. That upon removal of said utility and all appurtenances thereto, the Easement Area shall be restored as closely as possible to its then condition at the time of removal.
6. That this grant shall be binding upon the Grantors and Grantee and shall inure to the benefit of their respective heirs, executors, administrators, successors, and assigns forever.

007183

5609242 NC 082 7/1/2016 JC
05 2400
EASEMENT ONLY

7. That the Grantors covenants with Grantee that it is well seized of the Easement Area as a good and indefeasible estate in fee simple and has the right to grant and convey the Easement Area in the manner and form described above. Grantors further covenants that it will warrant and defend the premises with the appurtenances thereunto belonging to Grantee against all lawful claims and demands whatsoever for the purposes described herein.
8. That this easement is subject to all matters of record.

IN WITNESS WHEREOF, the undersigned grantor(s) have caused their name to be subscribed to this Perpetual Storm Sewer & Drainage Easement this 24 day of JUNE, 2016.

GRANTOR(S):

The Sanctuary Owners Association, Inc.

By: 

William J. Lemmon
Its Authorized representative

NOTARY:

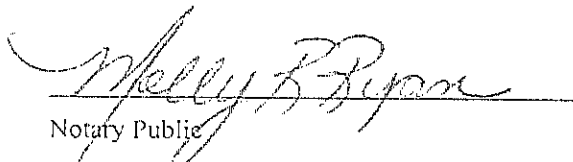
STATE OF OHIO)

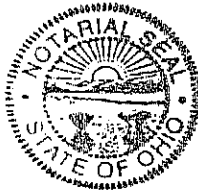
) SS:

COUNTY OF Stark)

Before me, a Notary Public in and for said County, personally appeared William J. Lemmon, authorized representative for "The Sanctuary Owners Association, Inc., who acknowledged that he did sign the foregoing instrument and that it is his free act and deed.

IN THE TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal a this 24 Day of JUNE, 2016.


Notary Public

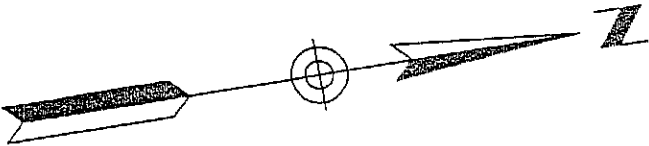


MOLLY R. RYAN
Notary Public, State of Ohio
My Commission Expires April 29, 2017

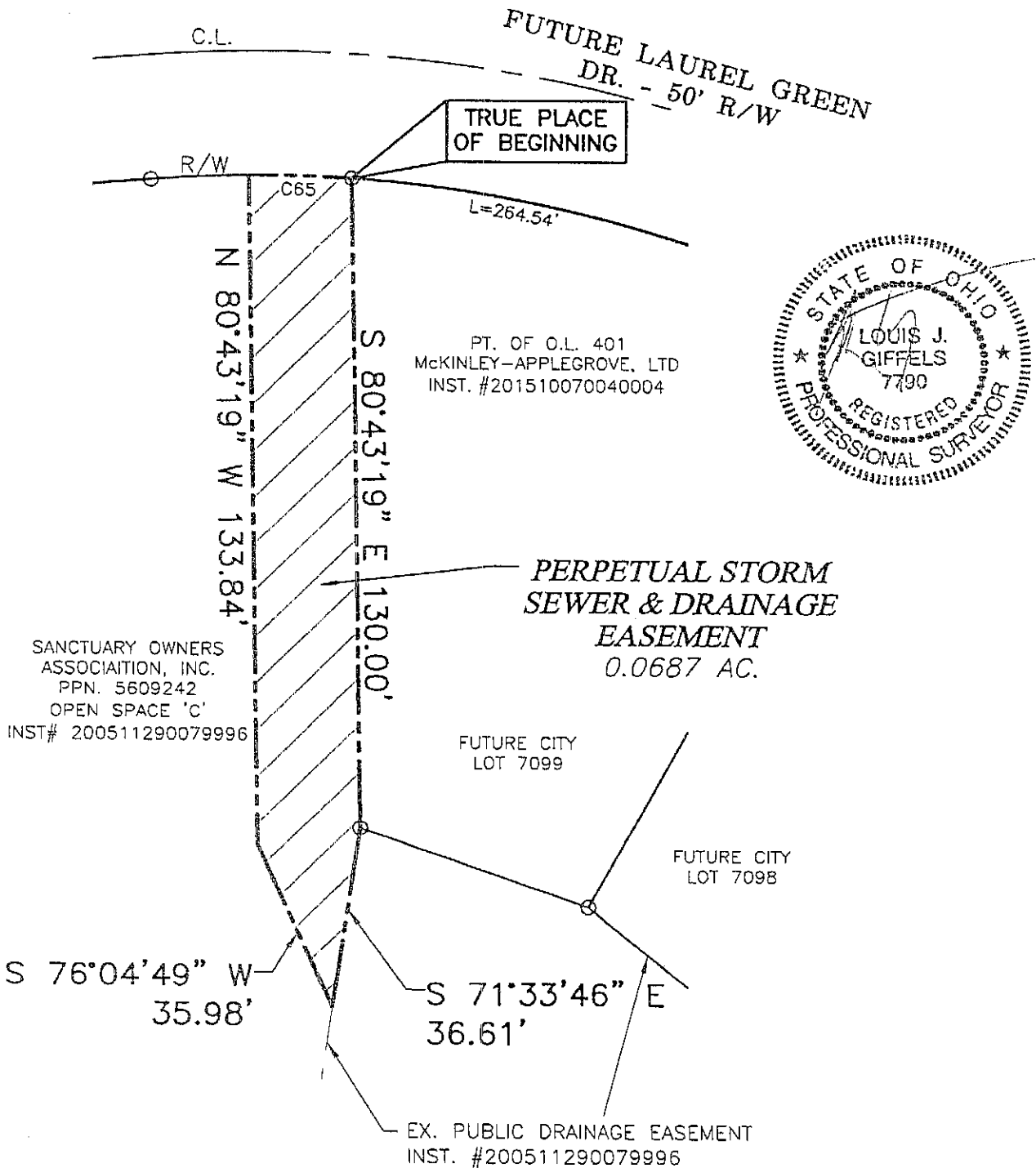
This instrument prepared by: City of North Canton
145 North Main Street
North Canton, OH 4720

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH	CHORD BEARING
C65	20.02'	260.00'	4°24'42"	10.01'	20.01'	N 11°26'54" E

SITUATED IN THE CITY OF NORTH
CANTON, COUNTY OF STARK, STATE OF
OHIO AND KNOWN AS BEING PART OF
OPEN SPACE "C" AS SHOWN ON THE
PLAT ENTITLED "THE SANCTUARY NO. 1",
AS RECORDED IN INST.
#200511290079996 OF THE STARK
COUNTY RECORDS



SCALE: 1" = 30'



PERPETUAL STORM SEWER
& DRAINAGE EASEMENT
EXHIBIT "A"

PREPARED BY:
GBC DESIGN, INC.

565 White Pond Dr.
Phone 330-836-0226

Akron, OH 44320
Fax 330-836-5782

DATE: JUNE 22, 2016
PROJECT No. 3113586

GBC DESIGN, INC.

565 White Pond Drive • Akron, OH 44320-1123 • Phone 330-836-0228 • Fax 330-836-5782 • www.GBCdesign.com

July 28, 2015

Revised June 23, 2016

EXHIBIT "B"

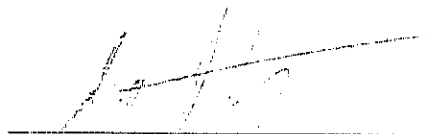
Sanctuary Owners Association, Inc. Property
City of North Canton
Storm Sewer Drainage Easement
Area = 0.0687 Acres

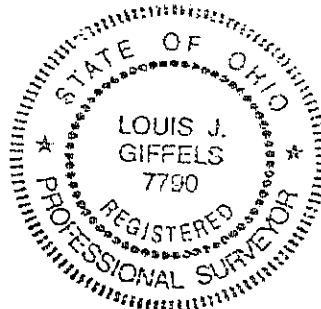
Situated in the City of North Canton, County of Stark, and State of Ohio and known as being part of Open Space 'C' as shown on the Plat entitled "The Sanctuary No. 1", as recorded in Inst. #200511290079996 of the Stark County records, and more fully described as follows:

Beginning at a 1" rebar found at a northwesterly corner of said Open Space 'C', said point being the True Place of Beginning for the parcel of land herein described in the following five (5) courses;

1. Thence S 80° 43' 19" E, along a southerly line of lands now or formerly owned by McKinley-Applegrove, Ltd., as recorded in Inst. #201510070040004 of the Stark County records, also being a southerly line of future City Lot 7099, a distance of 130.00 feet to a 1" rebar found;
2. Thence S 71° 33' 46" E, along a southerly line of an existing public drainage easement as recorded in said Inst. #200511290079996, a distance of 36.61 feet to a point;
3. Thence S 76° 04' 49" W, along a new line of easement, a distance of 35.98 feet to a point;
4. Thence N 80° 43' 19" W, along a new line of easement, a distance of 133.84 feet to a point;
5. Thence along an easterly line of future Laurel Green Drive, along the arc of a circle curving to the right, having a central angle of 04° 24' 42", a radius of 260.00 feet, a tangent of 10.01 feet, a chord of 20.01 feet, a chord bearing N 11° 26' 54" E, and an arc length of 20.02 feet to the True Place of Beginning, and containing 0.0687 Acres of land, more or less, as surveyed in July, 2015 by Louis J. Giffels, P.S. Reg. No. 7790, with GBC Design, Inc., but subject to all legal highways and any restrictions, reservations, or easements of record.

*The Basis of Bearing for this legal description is the plat of Sanctuary No. 1 as recorded in Instrument No. 200511290079996 of the Stark County records.


Louis J. Giffels, P.S. Reg. No. 7790



North Canton City Council
Street and Alley Committee

Ordinance No. 57 - 2016

An ordinance approving, confirming and accepting a perpetual water main easement known as Parcel No. 10006042, and being part of a 9.40 acre tract of land, by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantee, and Villas at Kings Creek Condominium, Grantor, and declaring the same to be an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That a perpetual water main utility easement known as Parcel No. 10006042, by and between the City, and Villas at Kings Creek Condominium, be, and the same is hereby approved, confirmed and accepted.
- Section 2. That attachments regarding this easement more fully describing the parcel and easement are attached hereto and incorporated herein as if fully rewritten herein.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the City to have prompt access to the utility as well as sanitary sewer pipes and lines; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

Passed in Council this _____ day of _____, 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

PERPETUAL WATER MAIN EASEMENT

Parcel No.: 10006042

For and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the sufficiency of which is hereby acknowledged, Villas at Kings Creek Condominium, GRANTORS, do hereby give and grant unto THE CITY OF NORTH CANTON, an Ohio municipal corporation, GRANTEE, a perpetual easement to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace, and renew at will a water main and to perform any other tasks GRANTEE deems necessary or advisable in order to operate or maintain the water system and appurtenances in accordance with the ordinances, rules, and regulations of Grantee, which are now in effect or may be adopted hereafter, including the right of ingress and egress at any time to and from such utility and all appurtenances thereto on, under and through the following property, a/k/a the "Easement Area":

SEE ATTACHED EXHIBIT "A"

COPY

It is agreed by and between Grantors and Grantee as follows:

1. That the Grantee shall have the right to remove fences, shrubbery, plants, trees, landscaping, lawns, driveways, walkways, and paving within the Easement Area during initial construction or future maintenance of the utility and all appurtenances thereto. The Grantee shall be responsible to restore the surface area of the easement, disturbed by Grantee, to as closely as possible to its condition at the time of construction or maintenance. The Grantee will pay reasonable damages for items which cannot be restored or repaired. If the amount of said damages cannot be mutually agreed upon, the same shall be ascertained and determined by three disinterested persons: one appointed by the Grantors, one by the Grantee, and the third by the two so appointed. The award of such three persons shall be final and conclusive.
2. That no building or structure of any kind shall or will be erected within the easement area by Grantors, nor shall anything be placed in the vicinity of the easement which might be injurious to the utility. However, nothing herein shall interfere with the right of Grantors to place driveways, parking areas, or walkways in said easement. Grantors shall not change the ground elevation, within the easement area, without approval of Grantee.
3. That the Grantors may extend across, or grant easements to others to extend across said easement area to minimum acceptable clearances as determined by the Grantee.
4. That Grantors shall indemnify, defend and hold harmless Grantee from any and all claims, liabilities, damages, actions, costs and expenses or complaints, including reasonable attorney fees, arising out of Grantor's use of the Easement Area.
5. That upon removal of said utility and all appurtenances thereto, the Easement Area shall be restored as closely as possible to its then condition at the time of removal.
6. That this grant shall be binding upon the Grantors and Grantee and shall inure to the benefit of their respective heirs, executors, administrators, successors, and assigns forever.

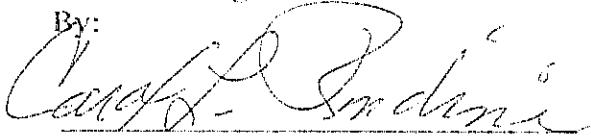
7. That the Grantors covenants with Grantee that it is well seized of the Easement Area as a good and indefeasible estate in fee simple and has the right to grant and convey the Easement Area in the manner and form described above. Grantors further covenants that it will warrant and defend the premises with the appurtenances thereunto belonging to Grantee against all lawful claims and demands whatsoever for the purposes described herein.
8. That this easement is subject to all matters of record.

IN WITNESS WHEREOF, the undersigned grantor(s) have caused their name to be subscribed to this Perpetual Water Main Easement this 3rd day of August, 2016.

GRANTOR(S):

Villas at Kings Creek Condominium

By:



Carol L. Rondini, President

COPY

NOTARY:

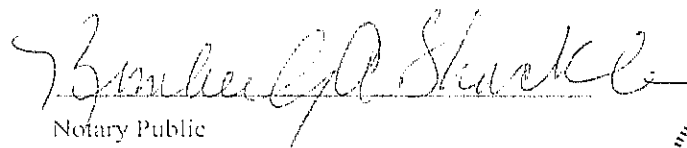
STATE OF OHIO)

) SS:

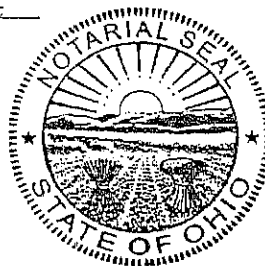
COUNTY OF CHESTER)

Before me, a Notary Public in and for said County, personally appeared Carol L. Rondini, President of Villas at Kings Creek Condominium, who acknowledged that they did sign the foregoing instrument and that it is their free act and deed.

IN THE TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal a this 3rd Day of August, 2016.



Notary Public



Kimberly A. Shackle
Notary Public, State of Ohio
My Commission Expires 02-21-2017

This instrument prepared by: City of North Canton
145 North Main Street
North Canton, OH 4720

EXHIBIT 'A'

DESCRIPTION OF A 0.0197 ACRE
20' WIDE WATER MAIN EASEMENT

PART OF PARCEL NO. 100-06042

COPY

Known as and being part of a 9.40 acre tract of land, as situated in part of the Southwest Quarter of Section 15, Plain Township, Stark County, Ohio which is presently owned by Villas at Kings Creek Condominium and recorded in Stark County Recorders Instrument Number 1991/10150038926 and being more particularly bounded and described as follows.

Beginning for the same at a point, at the Southwest Corner of said Southwest Quarter of Section 15, said point also being the intersection of the centerline of Market Avenue North (SR 43), a public roadway of variable widths, with the centerline of 55th Street NE. Thence N01°33'12"E, along a portion of the west line of said Section 15 and centerline of Market Avenue North, a distance of 447.66 feet to a point.

1. Thence S88°26'48"E, perpendicular to said Section Line and centerline, a distance of 45.00 feet, to a point on the east Right-of-Way line of said Market Avenue North and being the **True Point of Beginning** for the Water Main Easement herein to be described;
2. Thence N01°33'12"E, along a portion of said east Right-of-Way line and the west line of the proposed Water Main Easement, a distance of 20.00 feet to a point;
3. Thence S88°26'48"E, along the north line of the proposed Water Main Easement, a distance of 43.00 feet to a point;
4. Thence S01°33'12"W, along the east line of the proposed Water Main Easement, a distance of 20.00 feet to a point;
5. Thence N88°26'48"W, along the south line of the proposed Water Main Easement, a distance of 43.00 feet, to a point on the said east Right-of-Way line of Market Avenue North, terminating at the true place of beginning for the Water Main Easement herein described.

The above defined Water Main Easement contains 0.197 acre of land more or less (860.0 SF).

As determined by Jerold E. Geib, PS #6725 of Cooper & Associates, a Partners Company, in July of 2016.

Subject to any and all easements, reservations, or restrictions that may be of record pertaining to the above described tract of land.

SW CORNER
SW QUARTER
SECTION 15
(PLA 085)

MARKET AVE. NORTH SR 43

N01°33'12"E
447.66'

SEC. LINE & CENTERLINE

45.0'

R/W

VANSCODER, RICHARD D.
PARCEL #100-06098
R.I.No.1998/09160065263
0.23 Ac.

STATE OF OHIO
PARCEL #100-06043
R.I.No.2015/02200006237
0.14 Ac.

VILLAS AT KINGS CREEK
CONDOMINIUM
PARCEL #100-06042
R.I.No.1991/10150038926
9.40 Ac.

55th ST. N.E.

R/W

S88°26'48"E
45.00'

PROPOSED 20' WIDE
WATER MAIN EASEMENT
0.0197 Ac.

T.P.B.

N01°33'12"E
20.00'

N88°26'48"W
43.00'

! N. CANTON
! PROPERTY OWNER

PROPOSED VALVE BOX

S01°33'12"W
20.00'

S88°26'48"E
43.00'

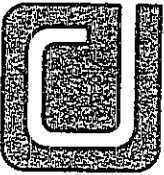
EXISTING VALVE BOXES



EXHIBIT A

PROJECT 1478.02

WATER MAIN EASEMENT
LOCATED IN THE S.W. QTR. SEC. 15; PLAIN TOWNSHIP
STARK COUNTY, OHIO
FOR: CITY OF NORTH CANTON



COOPER & ASSOCIATES
A PARTNERS COMPANY
1359 MARKET AVE. NORTH
CANTON, OHIO 44714

PHONE: (330) 452-5731



SCALE: 1" = 40'

DRAWN BY: BEB

CHECKED BY: JEG

North Canton City Council
Street and Alley Committee

Ordinance No. 58 - 2016

An ordinance approving, confirming and accepting a perpetual water main easement known as Parcel No. 10006130, and being part of a 4.70 acre tract of land, by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantee, and Kings Creek Associates, L.P., Grantor, and declaring the same to be an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That a perpetual water main utility easement known as Parcel No. 10006130, by and between the City, and Kings Creek Associates, L.P., be, and the same is hereby approved, confirmed and accepted.
- Section 2. That attachments regarding this easement more fully describing the parcel and easement are attached hereto and incorporated herein as if fully rewritten herein.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the City to have prompt access to the utility as well as sanitary sewer pipes and lines; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

Passed in Council this _____ day of _____, 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

COPY

PERPETUAL WATER MAIN EASEMENT

Parcel No.: 10006130

For and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the sufficiency of which is hereby acknowledged, **Kings Creek Associates, L.P.**, GRANTORS, do hereby give and grant unto **THE CITY OF NORTH CANTON**, an Ohio municipal corporation, GRANTEE, a perpetual easement to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace, and renew at will a water main and to perform any other tasks GRANTEE deems necessary or advisable in order to operate or maintain the water system and appurtenances in accordance with the ordinances, rules, and regulations of Grantee, which are now in effect or may be adopted hereafter, including the right of ingress and egress at any time to and from such utility and all appurtenances thereto on, under and through the following property, a/k/a the "Easement Area":

SEE ATTACHED EXHIBIT "A"

It is agreed by and between Grantors and Grantee as follows:

1. That the Grantee shall have the right to remove fences, shrubbery, plants, trees, landscaping, lawns, driveways, walkways, and paving within the Easement Area during initial construction or future maintenance of the utility and all appurtenances thereto. The Grantee shall be responsible to restore the surface area of the easement, disturbed by Grantee, to as closely as possible to its condition at the time of construction or maintenance. The Grantee will pay reasonable damages for items which cannot be restored or repaired. If the amount of said damages cannot be mutually agreed upon, the same shall be ascertained and determined by three disinterested persons; one appointed by the Grantors, one by the Grantee, and the third by the two so appointed. The award of such three persons shall be final and conclusive.
2. That no building or structure of any kind shall or will be erected within the easement area by Grantors, nor shall anything be placed in the vicinity of the easement which might be injurious to the utility. However, nothing herein shall interfere with the right of Grantors to place driveways, parking areas, or walkways in said easement. Grantors shall not change the ground elevation, within the easement area, without approval of Grantee.
3. That the Grantors may extend across, or grant easements to others to extend across said easement area to minimum acceptable clearances as determined by the Grantee.
4. That Grantors shall indemnify, defend and hold harmless Grantee from any and all claims, liabilities, damages, actions, costs and expenses or complaints, including reasonable attorney fees, arising out of Grantor's use of the Easement Area.
5. That upon removal of said utility and all appurtenances thereto, the Easement Area shall be restored as closely as possible to its then condition at the time of removal.
6. That this grant shall be binding upon the Grantors and Grantee and shall inure to the benefit of their respective heirs, executors, administrators, successors, and assigns forever.

7. That the Grantors covenants with Grantee that it is well seized of the Easement Area as a good and indefeasible estate in fee simple and has the right to grant and convey the Easement Area in the manner and form described above. Grantors further covenants that it will warrant and defend the premises with the appurtenances thereunto belonging to Grantee against all lawful claims and demands whatsoever for the purposes described herein.
8. That this easement is subject to all matters of record.

IN WITNESS WHEREOF, the undersigned Kings Creek Associates, L.P. grantor(s) have caused their name to be subscribed by Westgate Management, Inc. the General Partner of Kings Creek Associates, L.P. to this Perpetual Water Main Easement this 4th day of August, 2016.

GRANTOR(S):

Kings Creek Associates, L.P.

By: Westgate Management, Inc., General Partner

Gary W. Wheeler

Gary W. Wheeler, President

COPY

NOTARY:

STATE OF Ohio)
) SS:
COUNTY OF Stark)

Before me, a Notary Public in and for said State and County, personally appeared Gary W. Wheeler, President of Westgate Management, Inc., General Partner of Kings Creek Associates, L.P., who acknowledged that they did sign the foregoing instrument and that it is their free act and deed.

IN THE TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal a this 4th Day of August, 2016.

Paula J. Demich
Notary Public Stark County

PAULA J. DEMICH
Notary Public, State of Ohio
My Commission Expires 09-17-2020

This instrument prepared by: City of North Canton
145 North Main Street
North Canton, OH 4720

EXHIBIT 'A'

DESCRIPTION OF A 0.0197 ACRE
20' WIDE WATER MAIN EASEMENT

PART OF PARCEL NO. 100-06130

COPY

Known as and being part of a 4.70 acre tract of land, as situated in part of the Southwest Quarter of Section 15, Plain Township, Stark County, Ohio which is presently owned by Kings Creek Associates LP and recorded in Stark County Recorders Instrument Number 1991/10150038926 and being more particularly bounded and described as follows.

Beginning for the same at a point, at the Northwest Corner of said Southwest Quarter of Section 15, said point also being the intersection of the centerline of Market Avenue North (SR 43), a public roadway of variable widths with the centerline of Schneider Street (T - 195). Thence S01°33'12"W, along a portion of the west line of said Section 15 and centerline of Market Avenue North, a distance of 367.00 feet to a point.

1. Thence S88°26'48"E, perpendicular to said Section Line and centerline, a distance of 45.00 feet, to a point on the east Right-of-Way line of said Market Avenue North and being the **True Point of Beginning** for the Water Main Easement herein to be described;
2. Thence continuing S88°26'48"E, along the north line of the proposed Water Main Easement, a distance of 43.00 feet to a point;
3. Thence S01°33'12"W, along the east line of the proposed Water Main Easement, a distance of 20.00 feet to a point;
4. Thence N88°26'48"W, along the south line of the proposed Water Main Easement, a distance of 43.00 feet, to a point on the said east Right-of-Way line of Market Avenue North;
5. Thence N01°33'12"E, along a portion of said east Right-of-Way line, a distance of 20.00 feet to a point, terminating at the true place of beginning for the Water Main Easement herein described.

The above defined Water Main Easement contains 0.197 acre of land more or less (860.0 SF).

As determined by Jerold E. Geib, PS #6725 of Cooper & Associates, a Partners Company, in July of 2016.

Subject to any and all easements, reservations, or restrictions that may be of record pertaining to the above described tract of land.

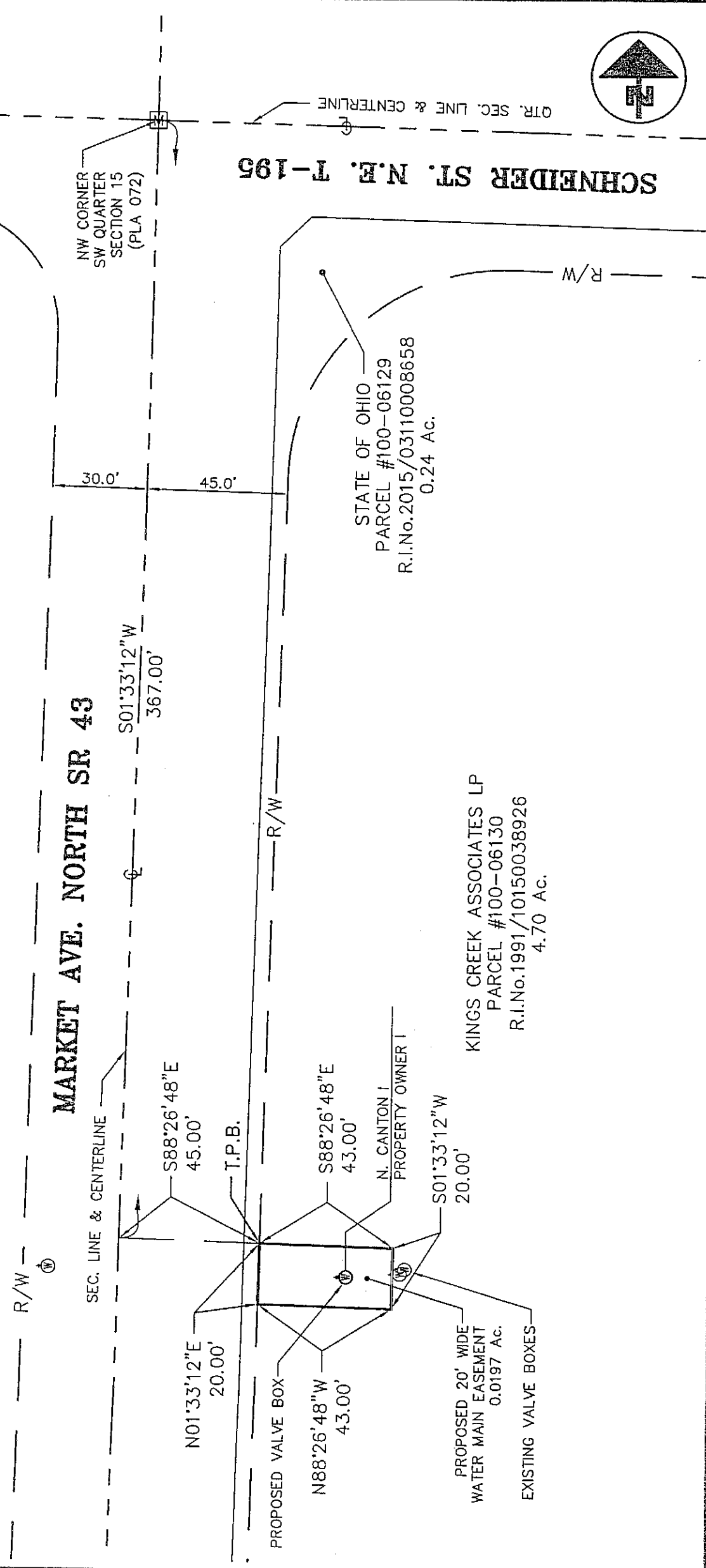




EXHIBIT A	WATER MAIN EASEMENT LOCATED IN THE S.W. QTR. SEC. 15; PLAIN TOWNSHIP STARK COUNTY, OHIO FOR: CITY OF NORTH CANTON	 COOPER & ASSOCIATES A PARTNERS COMPANY 1359 MARKET AVE. NORTH CANTON, OHIO 44714 PHONE: (330) 452-6731	 SCALE: 1" = 40'
			DRAWN BY: BEB CHECKED BY: JEG

North Canton City Council
Street and Alley Committee

Ordinance No. 59 – 2016

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public Works Commission ("OPWC") for the West Maple Street Widening Project, and authorizing the Mayor, upon Board of Control approval, to enter into an agreement for said grant, and declaring the same to be an emergency.

WHEREAS, the City desires to submit a grant application to the Ohio Public Works Commission for the West Maple Street Widening Project; and

WHEREAS, The Project's estimated total cost is \$650,000.00, which has already been awarded 80% federal funding as a result of the Stark County Area Transportation Study, and if successful with the OPWC grant, the City's cost for construction should be zero, except for ancillary costs.

NOW, THEREFORE, BE IT ORDINANCE BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That the Mayor of the City of North Canton, be, and is hereby authorized to prepare and submit an application to the OPWC for a grant for the West Maple Street Widening Project, and, upon Board of Control approval, to enter into an agreement for said grant.
- Section 2. That, if any provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this Ordinance.
- Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary in order to meet the September 16, 2016 deadline to submit the application to the Ohio Public Works Commission to obtain a grant for the West Maple Street Widening Project; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

David Held, Mayor

SIGNED: _____, 2016

North Canton City Council
Water, Sewer and Rubbish Committee

Ordinance No. 60 - 2016

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, for the City of North Canton Drinking Water Treatment Plant Clarifiers' Motor Replacement Project ("Project"), and authorizing the Mayor, upon Board of Control approval, to enter into a contract for the Project, and declaring the same to be an emergency.

NOW, THEREFORE, BE IT ORDINANCE BY THE COUNCIL OF THE
CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That the Director of Administration of the City of North Canton, be, and is hereby authorized to advertise and receive bids for the Project, according to specifications now on file in the Director's office, and upon Board of Control approval, the Mayor is authorized to enter into an agreement for the Project.

Section 2. That the Mayor of the City of North Canton, upon Board of Control approval, authorized to enter into a contract for the Clarifiers Motor Replacement Project.

Section 3. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified contract from the following appropriation:

650 WATER REVENUE FUND

650.768.5230 Maintenance of Equipment	\$250,000.00
---------------------------------------	--------------

Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary to timely complete the Project and ensure safe drinking water for residents and customers; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Finance and Property Committee

Ordinance No. 61 - 2016

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, for the City of North Canton EMS Building Addition Project, and authorizing the Mayor, upon Board of Control approval, to enter into a contract for the EMS Building Addition Project, and declaring the same to be an emergency.

NOW, THEREFORE, BE IT ORDINANCE BY THE COUNCIL OF THE
CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That the Director of Administration of the City of North Canton, be, and is hereby authorized to advertise and receive bids according to specifications now on file in the Director's office for the EMS Building Addition Project.
- Section 2. That the Mayor of the City of North Canton, upon Board of Control approval, authorized to enter into a contract for the EMS Building Addition Project.
- Section 3. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified contract from the following appropriation:
- | | | |
|------------------------------|------------------------|--------------|
| 330 CAPITAL IMPROVEMENT FUND | | |
| 330.627.5600 | Municipal Improvements | \$190,000.00 |
- Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary to complete the exterior portion of the project while the weather conditions are favorable; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council

North Canton City Council
Finance and Property Committee

Ordinance No. 62 - 2016

An ordinance authorizing the Mayor of the City of North Canton, pursuant to Ohio Revised Code 9.48, to participate in joint purchasing programs with other political subdivisions for the purchase of machinery, materials and supplies used by various City departments, and specifically, to join the National Joint Purchasers Alliance for said purpose.

WHEREAS, the Ohio Cooperative Purchase Act enables political subdivisions, such as the City of North Canton, to benefit from economies of scale, expedite the procurement process, and thereby achieve substantial purchase savings.

WHEREAS, the City of North Canton desires to join other political subdivisions to participate in a joint purchasing programs by joining the National Joint Purchasers Alliance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That the Mayor of the City of North Canton, is hereby authorized to participate in the joint purchasing program with other political subdivisions for the purchase of machinery, materials and supplies used by various City departments by joining the National Joint Purchasers Alliance.
- Section 2. That the National Joint Powers Alliance enables political subdivisions to participate in joint purchasing programs to ensure the political subdivisions e receiving products and services of the highest quality at the lowest prices available.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 4. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____ 2016

ATTEST:

David Held, Mayor

Mary Beth Bailey, Clerk of Council

SIGNED: _____, 2016

North Canton City Council
Ordinances, Rules & Claims
Resolution No. 4 - 2016

A resolution to impose a moratorium on granting building permits or certificates of occupancy for any building, structure, use or change of use, which would authorize the cultivation, processing, or retail sale of medical marijuana for an initial period not to exceed six months from the effective date of this resolution, thereby permitting City Council and the Planning Commission to more fully analyze applicable federal law, Ohio statutes, and North Canton's ordinances relative to such use, and declaring the same to be an emergency.

WHEREAS, Ohio's General Assembly adopted and its Governor signed into law House Bill 523, which, amongst other things: permits patients with qualifying medical conditions to obtain, possess, and use medical marijuana; creates state regulatory oversight for the cultivation, processing, retail sale, use, and physician recommendation for the use of medical marijuana; authorizes the legislative authority of a municipal corporation to adopt an ordinance to prohibit, or limit, the number of cultivators, processors, and retails dispensaries licensed within a municipal corporation; and prohibits a medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana from being located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park; and

WHEREAS, given the far-reaching impact that House Bill 523 may have on the health, safety, welfare, comfort, and peace of our residents, Council and the Planning Commission require additional time to more fully analyze federal law, statutes, and ordinances involving regulating and restricting areas used for business and trade; and

WHEREAS, pursuant to the Constitution of the State of Ohio, and the Ohio Revised Code, municipalities have the legal authority to enact planning and zoning laws for the health, safety, welfare, comfort, and peace of the citizens of the municipality, including regulating and restricting areas used for business and trade; and

WHEREAS, North Canton is devoted to supporting and protecting its youth and ensuring families should not have to contend with increased drug exposure and the consequences thereof, that legalizing marijuana for medical use may bring to our community.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That City Council hereby imposes a moratorium on granting building permits or certificates of occupancy for any building, structure, use or change of use, that would enable the cultivation, processing, or retail sale

of medical marijuana for a period not to exceed six months from the effective date of this resolution, in order to permit Council and the Planning Commission to more fully analyze federal law, Ohio statutes, and North Canton's ordinances relative to such use.

- Section 2. That for the purpose of this resolution, "medical marijuana" shall have the same meaning as defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective September 8, 2016.
- Section 3. That no building permits, certificates of occupancy or any other permits shall be granted to open, use any land, or devote any area for the purpose of cultivating, processing, or retail sale of medical marijuana for the period of this moratorium.
- Section 4. That this moratorium shall be in effect for a period of six months from the effective date of this resolution or until changes are enacted to amend City ordinances to address the issues detailed above, or until City Council approves legislation explicitly revoking this moratorium, which occurs first.
- Section 5. That if a provision of this resolution is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this resolution.
- Section 6. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton, and further necessary to protect our children, families, workforce—our City—from the increased exposure of marijuana, and the consequences thereof, that may result from legalizing marijuana for medical use; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this resolution shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this _____ day of _____, 2016

David Held, Mayor

Signed: _____, 2016

ATTEST:

Mary Beth Bailey, Clerk of Council